



FREDERICK COUNTY PLANNING COMMISSION

June 12, 2019

TITLE: **Linganore Town Center South- Commercial Retail Center**

FILE NUMBER: **S-829T, AP 19092 (APFO 19093, FRO 19094)**

REQUEST: **Preliminary Subdivision Plan Approval**
The Applicant is requesting preliminary subdivision plan approval for the development of 9 commercial lots on a 7.8-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: South side of Old National Pike at Eaglehead Drive

TAX MAP/PARCEL: Tax Map 79, Parcel 34

COMP. PLAN: Low Density Residential (LDR)

ZONING: Planned Unit Development (PUD)

PLANNING REGION: New Market

WATER/SEWER: W-4/S-4

APPLICANT/REPRESENTATIVES:

APPLICANT: Oakdale Investments, LLC/ Dryden Investments, LLC

OWNER: Dryden Investments, LLC

ENGINEER: Harris, Smariga & Associates

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 -- Llinganore Town Center South Subdivision Plan Rendering

Exhibit 2 -- LOU Amendment

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting preliminary subdivision plan approval for the development of nine (9) lots for commercial, institutional, and retail uses in a 17.8-acre area described as Linganore Town Center South, to distinguish it from the approved Linganore Town Center on the north side of Old National Pike, which currently has the residential portion under construction. One large commercial lot on the north side of Old National Pike, opposite the subject property, plus a swimming pool and clubhouse, are the only non-residential plans currently approved within the overall Linganore Town Center.

The project is subject to the requirements of the Phase I rezoning, the Frederick County Zoning Ordinance, Section 1-19-10.500 (*General Development Standards within the Planned Development Districts*) and Chapter 1-16 of the County Code (*Subdivision Rules and Regulations*).

BACKGROUND

Development History

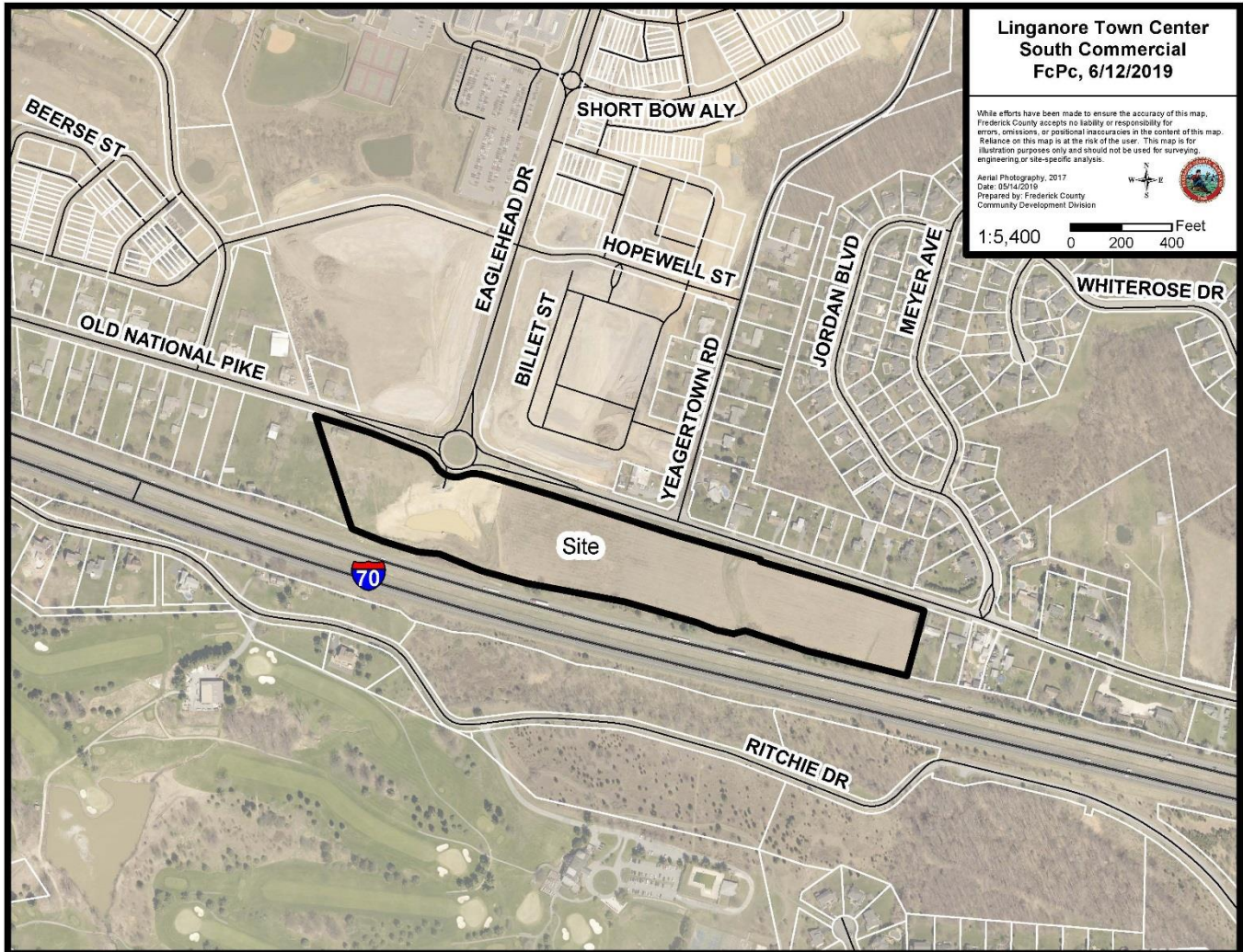
The subject property was included in a 2013 request for rezoning from Agricultural to Planned Unit Development (PUD), which added 39 acres in varying locations to the overall Linganore Planned Unit Development. Case R-12-0(A) was approved through Ordinance No. 14-17-672 on October 9, 2014 and applied PUD zoning to the subject property, with areas designated for commercial, institutional, and open space uses. A barn and dwelling on the property, linked to the property's prior agricultural use, have been removed.

The Linganore Town Center is a 1,185-unit, high-density, pedestrian-oriented, mixed-use project south of Lake Linganore, surrounding Oakdale High School. It includes a variety of residential units—single-family homes, townhomes, multi-family residential, and '2-over-2' condominiums, all on the north side of Old National Pike. The subject property was added to the existing Linganore Town Center through the 2014 rezoning.

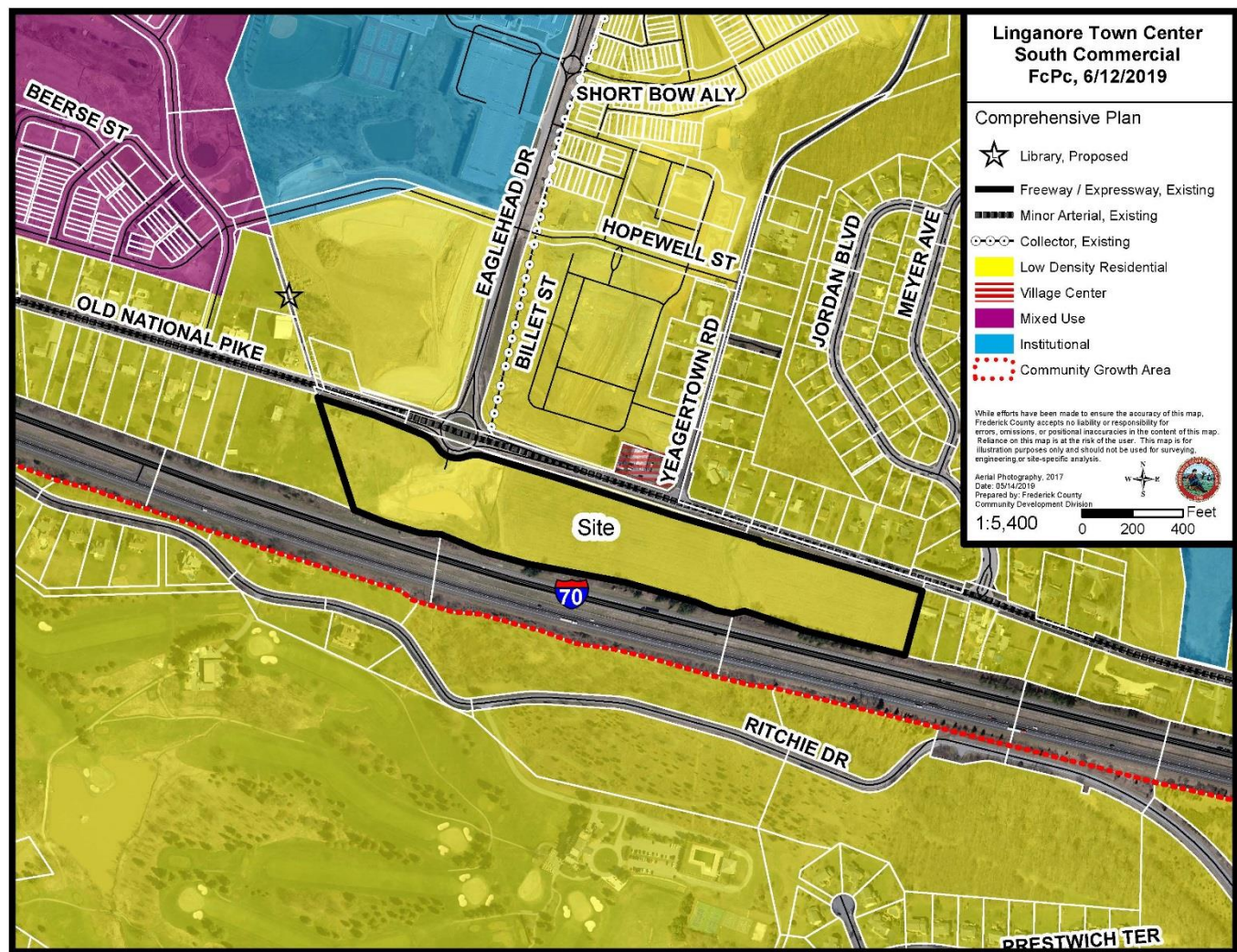
Existing Site Characteristics

A former agricultural field, the project site is 'sandwiched' between Interstate 70 and Old National Pike, a visually prominent location. The site is relatively flat and contains no forest cover, with the exception of a remnant hedge-row of trees along I-70. An existing stormwater management facility is also present on the site.

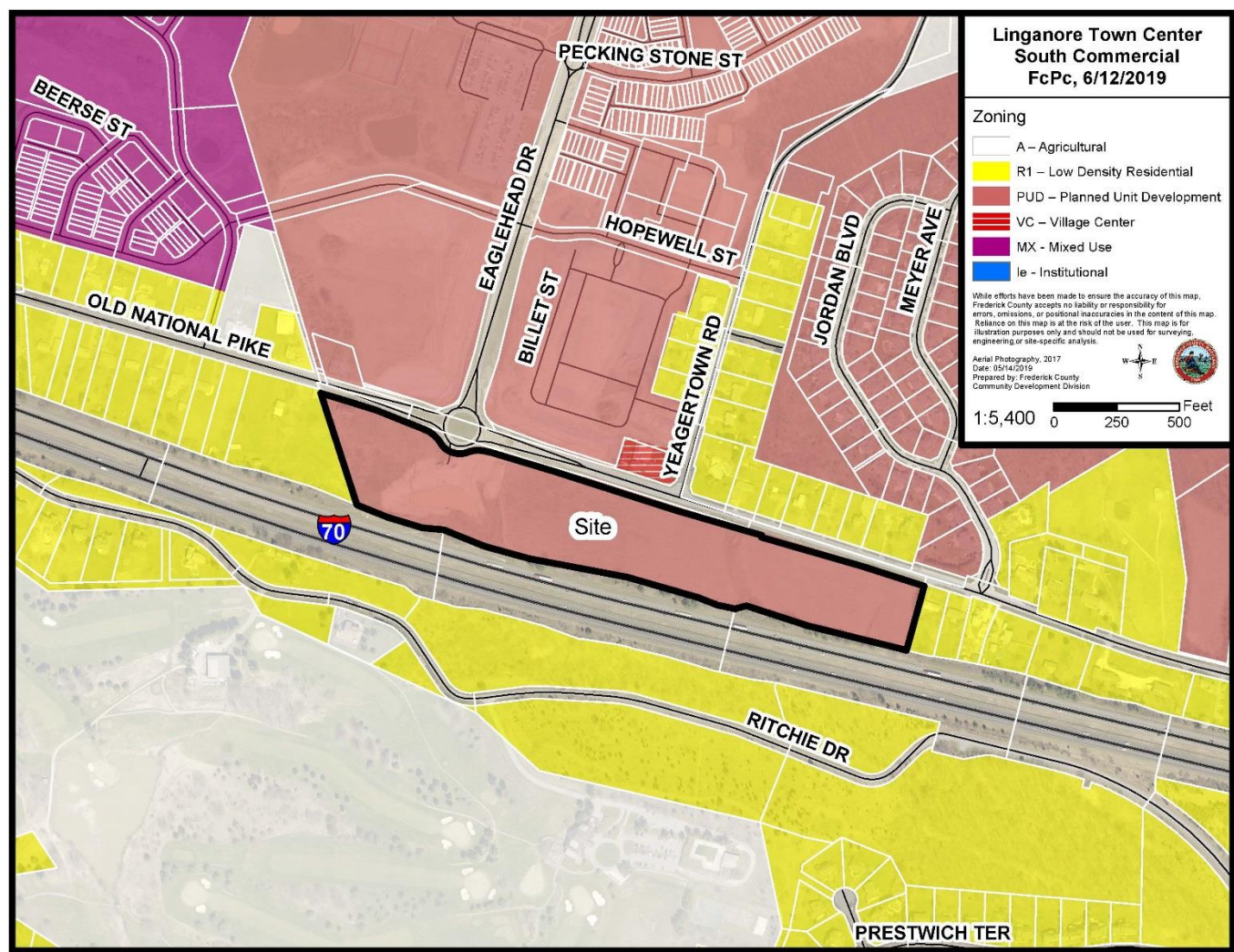
Graphic # 1 Lignanore Town Center South – Aerial Photography



Graphic # 2 Linganore Town Center South — Comprehensive Plan



Graphic # 3 Linganore Town Center South -- Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The subject property is adjacent to, but situated on the south side of, Old National Pike, across the street from the Linganore Town Center. This locational quality of the southern portion of the Linganore Town Center necessitates an overall design that fosters an effective pedestrian 'draw' through safe connections from high-density residential areas on the opposite side of the street and safe crossings of Old National Pike to access the commercial areas of the Linganore Town Center South. Reducing the need for vehicular movement between residential and commercial land uses within a PUD is an element of the design requirements contained in § 1-19-10.500.6(C) of the Zoning Ordinance. Functional mobility and efficient pedestrian movement between the commercial lots, future buildings and parking areas, and along Old National Pike, are key design considerations for the southern Linganore Town Center.

Detailed Analysis of Findings and Conclusions

Preliminary Subdivision Plan approval is determined based upon the requirements found in Chapter 1-16 of the Frederick County Code, as well as Section 1-19-10.500 (*General Development Standards within the Planned Development Districts*).

SITE DEVELOPMENT

- **Land Requirements § 1-16-217 (A) & (B)**

The land use pattern of the comprehensive development plan and the district regulations of the Zoning Ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The site is designated Residential on the County Comprehensive Plan with Planned Unit Development (PUD) Zoning. The PUD zoning district promotes a mixture of employment, residential, commercial, and/or civic uses for land that is within Community Growth Areas. The project is located in the New Market Community Growth Area, and is a recent addition to the overall Linganore PUD and Linganore Town Center, which includes a combination of commercial, residential, and civic uses.

The PUD zoning district requires development that results in an integrated mixture of commercial, employment, and residential, recreational, civic, and/or cultural land uses. Projects in this district should employ planning and design that is broad and integrative, and should result in efficient use of land, innovative lay-out involving flexibility not permitted within the Euclidian zoning districts.

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies, and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The site is adjacent to the residential portion of Linganore Town Center and situated on a highly-visible, heavily-traveled portion of Old National Pike, known as Maryland's Historic National Road. While having unique locational advantages, the site's full integration and functional relationship with the adjacent Linganore Town Center will be achieved with a well-designed pedestrian network, similar architecture and design features.

The site is relatively flat and contains no woodlands or wetlands. A section of flooding soils (RoB, Rohresville-Lantz) is present on the eastern portion of the site, but has been examined and evaluated by a soil science professional and determined to not possess qualities and characteristics of flooding soils or evidence of flooding properties.

- **Block Shape § 1-16-218**

The maximum block dimension shall be 1,800 feet.

The block dimension, as measured between access points along Old National Pike, is 1,070 feet. This block size is contrasted with the block dimensions—spacing between access points—along the planned interior access road (Silverside Street) which range from 50 feet to 190 feet.

- **Lot Size and Shape § 1-16-219**

The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated, and future utilities. Setbacks and height within Planned Development Districts shall be established by the Planning Commission at Phase II as provided in §1-19-10.500.6(H) (2) of the Zoning Ordinance.

Proposed lot dimensions are shown in the chart below. Proposed Lot C-9 is shown with alternative side and rear setbacks, due to the configuration of the internal streets and proximity to an adjacent residential dwelling. Lot sizes range from 0.75-acres to 2.4 acres. Parcel “CA” (to be owned by the lot owners’ association) is 5.9 acres and will contain the existing stormwater management facility, as well as the private internal streets (Silverside, Stickleback, and Bullhead) within the subdivision. Building heights will be established during the site development plan review and approval process.

<u>Dimensional Element</u>	<u>Requested Standard</u>
Minimum Lot Area	32,525 sq. ft. (0.75 ac.)
Front Yard	15 ft.
Side Yard	8 ft.
Side Yard, Lot C-9	15 ft. (eastern property line)
Rear Yard	8 ft. (adjacent to Silverside and Stickleback Streets)
Rear Yard, Lot C-9	15 ft.

Condition

1. Planning Commission approval of the proposed dimensional standards as shown on the Preliminary Subdivision Plan and summarized in the Staff report.

- **Street, Common Driveway and Sidewalk Construction § 1-16-109**

The project shall provide for the complete construction of street improvements, including drainage facilities as provided in 1-16-234 through 1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.

The project has frontage on Old National Pike, a roadway with a minor arterial classification on the County Comprehensive Plan. Old National Pike is also known as the Historic National Road, a Scenic Byway in Maryland which has model design guidelines and best practices published by the State of Maryland for building siting and orientation, parking, landscaping, signage, etc., in order to help manage the appearance of the Scenic Byway and the form of future development along its route.

Prior improvements to Old National Pike included three (3) access points to the site, which are now complete:

- The Roundabout (Silverside Street)
- The right-in, right-out access, 350 feet east of the roundabout
- The eastern access (Bullhead Street)

Primary access to the proposed lots is made from the Eaglehead Drive/Old National Pike roundabout, which then branches into 2 private, internal subdivision streets (Stickleback Street and Silverside Street) which run the full length of the site along the southern boundary, and act as parallel roads to Old National Pike, providing direct access to all proposed lots. The second access along Old National Pike straddles proposed lots C-3 and C-4, east of the roundabout, and is depicted as a shared access easement lane with a right-in, right-out configuration. The final access has full-movement to/from Old National Pike and is located on the eastern edge of the property between proposed lots C-8 and C-9. This access is identified as Bullhead Street, a private street. Both of these roadways—the shared access easement lane and Bullhead Street—connect to Silverside Street, providing an interconnected, looped road network within the proposed subdivision.

Pedestrian and Bicycle Mobility

Portions of Old National Pike along the site's frontage contain a paved, 8-ft. wide, off-road path, which can substitute for on-road bicycle travel in the vicinity of the Eaglehead Drive/Old National Pike roundabout. Appropriate bike-lane signage will be installed to alert cyclists and motorists of this off-road option. Bicycle ramps are provided where there is opportunity for users of the on-road bike lane to transition onto the 8-ft. path/sidewalk, and where bicyclists can change from the 8-ft. path to the on-road bike lane.

The subdivision proposes 5-ft sidewalks along the site's frontage on Old National Pike, with markings provided at the pedestrian crossings of Bullhead Street, the roundabout, and the access easement lane. Five-foot sidewalks are also provided on both sides of Bullhead Street, but are not shown along the shared access easement lane. Sidewalk provision along the shared access easement lane will be determined during future site development plan review for lots C3 and C4.

Section 1-19-10.500.9(A) of the Zoning Ordinance requires that a PUD facilitate land use interactions and integration through safe and convenient pedestrian connections. There exist two (2) marked, pedestrian crossings of Old National Pike in the project area near the Eaglehead Drive/Old National Pike roundabout. To fully integrate commercial areas within Linganore Town Center South with the residential portion of Linganore Town Center, safe access to the commercial areas require enhancements to the existing pedestrian crossings of Old National Pike.

The internal roadways-Stickleback Street and Silverside Streets—do not contain sidewalks; the Applicant has indicated that these streets would serve primarily vehicular traffic, with the pedestrian component

focused on the northern portion of the lots, along Old National Pike. This dual, but segregated scenario—automobiles on the main internal roads and pedestrians along Old National Pike--will function only if the full range of movement and mobility is provided for pedestrians by means of a complete and efficient network that safely links buildings and parking areas with an enhanced pedestrian corridor plaza along Old National Pike.

Amenities such as plazas, courtyards, open spaces, green areas, and parks serve as central organizing features in a PUD and shall enhance the pedestrian and bicycle environment of the proposed development, as stated in § 1-19-10.500.9(A)(20). A streetscape, amenity, and pedestrian access plan for the Old National Pike corridor is warranted to guide future development of the lots and provide uniformity to building orientation and placement and parking configurations.

Street Trees

Street trees are provided along all roadways, with the exception of the shared access easement lane along lots C-3 and C-4. A combination of shade trees and lower-growing ornamental trees are provided along Old National Pike in front of lot C-3 through C-9; however, understory ornamental trees are not shown in front of lots C-1 and C2 on the western portion of the site. Tree spacing along the private internal streets—Stickleback and Silverside—is 50 feet, which results in insufficient landscaping and does not conform with 1-19-6.400(A) of the Zoning Ordinance which requires a 6-ft tree per each 35 feet of road frontage. Parking lot and site landscaping will be reviewed and approved during the future site development plan process for each lot.

Conditions

1. Future development on the lots proposed in the Linganore Town Center South shall incorporate, to the maximum extent practicable, the *Model Design Guidelines from the Maryland Historic National Road Corridor Partnership Plan Update*, dated January 2015.
2. Add appropriate bicycle lane signage at points where transition between on-road and off-road is made.
3. Add ornamental trees along the frontage of lots C1 and C2 in similar fashion to that provided in front of lots C-3 through C-9.
4. Add street trees along Silverside Street and Stickleback Street that conform to the standard of 1 tree per 35 feet of roadway frontage as contained in §1-19-6.400(A) of the Zoning Ordinance
5. Install pedestrian-activated, flashing beacons for both approaches to the 2 crossings of Old National Pike to alert motorists of pedestrian activity.
6. Revise the road classification of Old National Pike to reflect “Minor Arterial.”
7. Label Old National Pike as “denied access” along the frontage of lots C1 through C-9.
8. Identify the pavement width of the shared access easement lane between lots C-3 and C-4.
9. A common access easement for lots C-3 and C-4 shall be recorded prior to final subdivision plat recordation.
10. Prior to final signature approval, submit a conceptual Streetscape and Pedestrian Plan for the Old National Pike corridor for guidance on future development of the Linganore Town Center South lots.

- ***Right of Way and Paved Surface Widths § 1-16-235***

Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing planned or platted roads.

With the exception of Old National Pike, all streets within Linganore Town Center South are private, contained within Parcel 'CA,' and will be owned and maintained by the lot owners' association. Stickleback Street and Silverside Street include a 28-ft pavement width. Bullhead Street has varying pavement width of 30 ft. to 35-ft., which provides an east-bound and west-bound egress lane to Old National Pike. The shared access easement lane is not specified with a surface width, but must provide sufficient size for the planned two-way vehicular movement.

PUBLIC FACILITIES AND UTILITIES

- ***Public Facilities – Road Adequacy § 1-16-12***

Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing planned or platted roads.

Public right-of-way dedication was obtained as part of the prior improvements made to Old National Pike along the site's frontage. As previously mentioned, three (3) access points from Old National Pike to the site have been constructed. Access and proposed site distance at entry points along Old National Pike are adequate.

NATURAL FEATURES

- ***Land Requirements § 1-16-217(B)***

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The site is relatively flat and contains no woodlands or wetlands. A major feature of the Linganore Town Center South is its frontage on the Maryland Historic National Road, its adjacency to the 1,185 residential units approved in the Linganore Town Center and the design elements that will unify and integrate the 2 Linganore Town Center areas—south and north.

- ***Floodplain Development § 1-16-220***

There is no FEMA 100-year floodplain within the project area, but a section of flooding soils (RoB, Rohresville-Lantz) is present on the eastern portion of the site. This area has been examined and

evaluated by a soil science professional and determined to not possess qualities and characteristics of flooding soils or evidence of flooding properties. The Applicant has provided the soil evaluation report with the application.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: A stormwater management concept plan for this project was approved on February 28, 2019 through AP#19258.

APFO – Chapter 1-20:

1. **Schools.** The project is non-residential and is exempt from testing.
2. **Water/Sewer.** The project is currently classified as W-4, S-4 and the water and sewer facilities that will serve the property are currently adequate. The Applicant recognizes that capacity is not guaranteed until purchased. Future building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations.
3. **Roads.** The project will generate 598 am and 428 pm weekday peak-hour trips. A Traffic Impact Analysis (TIA) was developed by the Traffic Group, dated December 6, 2018. The study of the TIA included Old National Pike intersections with: Meadow Road, Eaglehead Drive, Yeagertown Road, Mussetter Road, Boyers Mill Road, and the site access points. All intersections were found to operate adequately.

The Applicant desired to combine this new project into the greater umbrella of projects under the 2013 Eaglehead-on-the-Lakes PUD Letter of Understanding (LOU). A proposed second amendment to the LOU (exhibit no. 2) was developed for the purpose of incorporating this new project, rezoned in 2014, into the existing LOU assortment of properties. In doing so, trips are now permitted to be transferred from the trip allotment to the proposed shopping center on the north side of Old National Pike to the new project on the south side of Old National Pike. The end result is no net increase in trips during the critical pm peak period, thus no road escrow accounts in the area received contributions.

Forest Resource – Chapter 1-21:

The FRO obligations for this project were addressed under AP#17856 by the purchase of banking credits.

Historic Preservation – Chapter 1-23: There are no remaining historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Development Review Planning:</i>	Conditional Approval
<i>State Highway Administration (SHA):</i>	N/A
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Conditional Approval
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved

RECOMMENDATION

Staff has presented the request for approval of the preliminary subdivision plan for development of 9 commercial lots in Linganore Town Center South with the conditions listed below. If the Planning Commission conditionally approves the preliminary subdivision plan, the plan is valid for a period of five (5) years from the date of Planning Commission approval and therefore would be valid until June 12, 2024.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements if the Planning Commission approves the proposed dimensional standards as listed on page 5 of the Staff report and once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Future development on the lots proposed in the Linganore Town Center South shall incorporate, to the maximum extent practicable, the *Model Design Guidelines from the Maryland Historic National Road Corridor Partnership Plan Update*, dated January 2015.
3. Add appropriate bicycle lane signage at points where transition between on-road and off-road is made.
4. Add ornamental trees along the frontage of lots C1 and C2 in similar fashion to that provided in front of lots C-3 through C-9.
5. Add street trees along Silverside Street and Stickleback Street that conform to the standard of 1 tree per 35 feet of roadway frontage as contained in § 1-19-6.400(A) of the Zoning Ordinance.
6. Install pedestrian-activated, flashing beacons for both approaches to the 2 crossings of Old National Pike to alert motorists of pedestrian activity.

7. Revise the road classification of Old National Pike to reflect “Minor Arterial.”
8. Label Old National Pike as “denied access” along the frontage of lots C1 through C-9.
9. Identify the pavement width of the shared access easement lane between lots C-3 and C-4.
10. A common access easement for lots C-3 and C-4 shall be recorded prior to final subdivision plat recordation.
11. Prior to final signature approval, submit a conceptual Streetscape and Pedestrian Plan for the Old National Pike corridor for guidance on future development of the Linganore Town Center South lots.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Preliminary Subdivision Plan S-829T, AP 19092 and the APFO LOU Amendment (**AP 19093**) as listed in the staff report for the proposed development of 9 commercial lots within the Linganore Town Center South project, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit # 1 Linganore Town Center South – Preliminary Plan Renderings

